

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of
R. MICHAEL GROSS

Serial No.: 10/046,592

Filed: January 14, 2002

Title: METHOD AND MEANS FOR
CEMENTING A LINER ONTO THE
FACE OF THE GLENOID CAVITY
OF A SCAPULA

Group No.: 3738

BEFORE THE BOARD OF
PATENT APPEALS AND
INTERFERENCES

Appeal No. _____

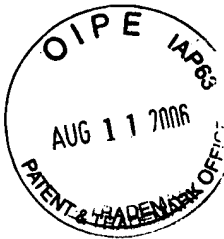
**RESPONSE TO NOTICE OF
NON-COMPLIANT APPEAL BRIEF (37 CFR 41.37)**

Commissioner for Patents
Alexandria, VA 22313

Dear Sir:

In response to the Notice of Non-Compliant Appeal Brief (37 CFR 41.37) mailed August 1, 2006, in the above-entitled application, a corrected section entitled "Real Party in Interest" is attached hereto.

Appellant believes that all of the requirements of the Notice of Non-Compliant Appeal Brief (37 CFR 41.37) have been met.



Respectfully submitted,

SHANE M. NIEBERGALL
Registration No. 44,974
THOMTE, MAZOUR & NIEBERGALL
Attorneys of Record

2120 South 72nd Street, Suite 1111
Omaha, NE 68124
(402) 392-2280 – rlt

CERTIFICATE OF MAILING

I hereby certify that the original of this RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF (37 CFR 41.37) for R. MICHAEL GROSS, Serial No. 10/046,592, was mailed by first class mail, postage prepaid, to Mail Stop Appeal Briefs-Patent, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 9th day of August, 2006.

SHANE M. NIEBERGALL

REAL PARTY IN INTEREST

The appellant, R. Michael Gross, has not assigned his rights to any third party; thus, appellant is the real party in interest.